

1 DECLARATION OF MAILING

2 I declare under penalty of perjury under  
3 the laws of the state of Washington that  
4 I mailed or caused delivery of a true  
5 copy of this document to all parties.

6 DATED this 13<sup>th</sup> day of December, 1994,  
7 at Olympia, WA.

8 Signed: Nancy Heley

RECEIVED  
DEC 13 1994  
ENVIRONMENTAL  
HEARINGS OFFICE

9 BEFORE THE FOREST PRACTICES APPEALS BOARD

10 STATE OF WASHINGTON

11 ROBERT CRYAN )

12 Appellant, )

13 v. )

14 STATE OF WASHINGTON,  
15 DEPARTMENT OF NATURAL  
16 RESOURCES, )

17 Respondent. )

FPAB NO. 94-28

MOTION, STIPULATION AND  
ORDER OF DISMISSAL

18  
19 MOTION

20 The parties in the above-captioned appeal, Appellant Robert  
21 Cryan, by and through his attorney Stuart D. Heath, and the  
22 Department of Natural Resources (DNR), through its attorneys,  
23 Christine O. Gregoire, Attorney General, and Cheryl A. Nielson,  
24 Assistant Attorney General, move the Board for an order dismissing  
25 this action. This motion is based upon the stipulation contained  
26 herein, and the exhibits attached thereto.

STIPULATION

In consideration of full settlement of the above-entitled appeal, the parties agree as follows:

1. The DNR approved forest practices application No. FP-09-22357 as a Class IV-Special effective July 29, 1994. A 15 acre harvest was approved under the permit. (Forest Practices Permit No. FP-09-22357 attached as Exhibit 1)

2. The applicant, Mr. Robert Cryan, indicated on forest practices application No. FP-09-22357 in response to question nine that "the land" was not platted.

3. The DNR sent a copy of forest practices application No. FP-09-22357 to King County before the application was approved by the DNR.

4. King County did not notify the DNR before DNR approved No. FP-09-22357 that King County considered the permit harvest area to be platted land and thus subject to King County land use authority pursuant to chapter 76.09 RCW, the Forest Practices Act.

5. King County did not suggest conditions for incorporation into permit No. FP-09-22357 prior to the permit's approval by the DNR.

6. Mr. Cryan harvested the land, fulfilling all conditions on forest practices application No. FP-09-22357 as approved by the DNR.

7. Not all trees were harvested on the property at the time the operation was complete.

1        8.    After the harvest had taken place, King County asserted  
2 to the DNR that the land approved for forest practices under  
3 permit No. FP-09-22357 is platted and requested that the DNR issue  
4 a Stop Work Order so that King County may have the opportunity to  
5 exercise its authority under chapter 76.09 RCW, the Forest  
6 Practices Act.

7        9.    The DNR issued a Stop Work Order to Mr. Cryan on  
8 September 2, 1994. (Stop Work Order attached as Exhibit 2)

9        10. Mr. Cryan is working with King County to address the  
10 level of mitigation which King County may require Mr. Cryan to  
11 perform on the FP-09-22357 harvest site. Mr. Cryan's efforts to  
12 date have included numerous telephone calls with King County and  
13 its attorneys and a meeting with King County and its attorneys.  
14 Mr. Cryan asserts that King County has not responded to his  
15 requests.

16        11. Mr. Cryan has fulfilled the requirements of the Stop  
17 Work Order.

18        12. King County has notified the DNR that it will address  
19 its mitigation requirements with Mr. Cryan pursuant to its own  
20 code enforcement authority and has no objection to this Forest  
21 Practices Appeals Board proceeding being dismissed. (Declaration  
22 of Cheryl A. Nielson with King County letter attached as  
23 Exhibit 3)

24        13. In light of statements numbered 1 through 12 above the  
25 parties agree that no issues of controversy remain between the  
26 parties and the appeal should be dismissed.

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by Cheryl A. Nielson  
per telephone  
authorization  
granted 12-13-94

Dated: December 13, 1994 Stuart D. Heath  
STUART D. HEATH  
Attorney for Appellant

CHRISTINE O. GREGOIRE  
Attorney General

Dated: December 13, 1994 Cheryl A. Nielson  
Cheryl A. Nielson  
Assistant Attorney General  
WSBA No. 020163  
Attorneys for Respondent  
Department of Natural Resources

ORDER

THIS MATTER, having come before the Forest Practices Appeals Board and the Honorable William A. Harrison, Administrative Appeals Judge, based on the foregoing stipulation and motion to dismiss, now therefore,

IT IS HEREBY ORDERED that there remain no issues in controversy between the two parties in the above-entitled appeal and the appeal is therefore dismissed with prejudice and without costs.

DONE this 21st day of December, 1994.

William A. Harrison  
THE HONORABLE WILLIAM A. HARRISON  
Administrative Appeals Judge

Norman L. Winn  
NORMAN L. WINN, Chair

Martin A. Kaatz  
DR. MARTIN A. KAATZ, Member

1 Presented by:

2 CHRISTINE O. GREGOIRE  
3 Attorney General

4 *Cheryl A. Nielson*  
5 Cheryl A. Nielson  
6 Assistant Attorney General  
7 WSBA No. 020163  
8 Attorneys for Respondent  
9 Department of Natural Resources

DATED: 12-13-94

10 STUART D. HEATH

11 *Stuart D. Heath*  
12 Attorney for Appellant

DATED: 12-13-94

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FOREST PRACTICES  
APPLICATION/NOTIFICATION  
PROCESS AND CONDITIONS

FPA Number: 22357

FP-09-22357

|   |   |                                  |                              |
|---|---|----------------------------------|------------------------------|
| Date Received<br><u>6-29-94</u><br><u>8-31-94</u> | Review Comments Due<br><u>7-13-94</u><br><u>6-14-94</u> | Final Due Date<br><u>7-24-94</u> | Shutdown Zone<br><u>657B</u> |
|---|---|----------------------------------|------------------------------|

|   |  |                                     |
|---|--|-------------------------------------|
| NAME OF OPERATOR<br><u>Brian R. Gentner</u> | NAME OF LANDOWNER<br><u>Robert C. Cuan</u> | NAME OF TIMBER OWNER<br><u>Same</u> |
|---|--|-------------------------------------|

|                                      |                        |                      |                                       |  |
|--------------------------------------|------------------------|----------------------|---------------------------------------|--|
| SUBDIVISION<br><u>SW</u>             | SECTION(s)<br><u>7</u> | TWP Nth<br><u>23</u> | RGE E/W<br><u>3E</u>                  | CLASS OF APPLICATION<br><br><input type="checkbox"/> CLASS I<br><input checked="" type="checkbox"/> CLASS III<br><input type="checkbox"/> CLASS III-P<br><input type="checkbox"/> CLASS IV-G<br><input checked="" type="checkbox"/> CLASS IV-S <u>Eagles</u> |
| Type of Operation<br><u>Re/cr/Rd</u> |                        |                      | Acres / Miles<br><u>15 / 15 / .20</u> |  |

☒ APPLICATION APPROVED  
CONDITIONS TO THIS APPLICATION / NOTIFICATION

|  |   |
|--|---|
| THIS OPERATION IS SUBJECT TO<br><input type="checkbox"/> Environmental Checklist <input type="checkbox"/> Completed FPA Form Map | <input type="checkbox"/> Hydraulics Project Approval <input type="checkbox"/> Shorelines Management Act<br><input type="checkbox"/> Additional Conditions Attached <input type="checkbox"/> Other |
|--|---|

APPROVAL CONDITIONS: Landowner is advised that the county/city may place a six year moratorium on all building & development permits since this site is being logged as a forestry operation.

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION

RCW 76.09.220 (8) provides any aggrieved person the right to appeal the approval or disapproval of a forest practices application. RCW 43.21C.075 provides any aggrieved person the right to appeal issues arising under the State Environmental Policy Act. Appeals must be filed within 30 days of the approval or disapproval of the forest practices application. Appeals must be filed with the Forest Practices Appeals Board, (Mail Stop PY-21), 4224 - 6th Avenue SE, Bldg No 2, Lacey, Washington 98504. Appeals must be in writing in the form required in Title 223-08. Concurrently with filing with the Forest Practices Appeals Board, copies of the appeal must also be filed with the Department and with the Attorney General, at the addresses shown below:  
Office of the Supervisor, Department of Natural Resources, 201 John A. Cherberg Bldg, Mail Stop QW-21, Olympia, WA 98504  
Attorney General, 7th Floor, Highways-Licenses Bldg, Mail Stop PB-71, Olympia, WA 98504

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION:

Compliance with this (application, notification, order/notice) does not ensure compliance with the Endangered Species Act, other federal, state or local laws

"Dept of Fish and Wildlife will supply written recommendations Prior to Approval"

"See ATTACHED CONDITIONS SHEET DATED July 1, 1994."

☐ PRE-FILE REVIEW COMPLETE    ☐ APPLICATION INCOMPLETE    ☒ APPLICATION COMPLETE  
☐ APPLICATION ON HOLD    ☐ APPLICATION DISAPPROVED

|  |                                      |                                     |                                  |                                   |                      |
|--|--------------------------------------|-------------------------------------|----------------------------------|-----------------------------------|----------------------|
| DEPARTMENT OF NATURAL RESOURCES SIGNATURE<br><u>CW' D. Hogen</u> |                                      | TITLE<br><u>RPF</u>                 |                                  | DATE<br><u>7-29-94</u>            | INITIAL<br><u>JR</u> |
| REGION<br><u>SA</u>  | AGENCY COPIES SENT<br><u>5-31-94</u> | FINAL COPIES SENT<br><u>7-29-94</u> | EFFECTIVE DATE<br><u>7-29-94</u> | EXPIRATION DATE<br><u>7-29-96</u> |                      |

|                       |                                   |   |   |  |
|-----------------------|-----------------------------------|---|---|--|
| COPIES DISTRIBUTED TO | <input type="checkbox"/> FORESTER | <input checked="" type="checkbox"/> ECOLOGY | <input checked="" type="checkbox"/> FISHERIES | <input checked="" type="checkbox"/> WILDLIFE |
| AFFECTED INDIAN TRIBE | <u>Puyallup</u>                   | OTHERS                                      | <u>Will</u>                                   | LOCAL GOVERNMENT                             |
| AFFECTED INDIAN TRIBE |                                   | OTHERS                                      | <u>King Co Parks</u>                          | LOCAL GOVERNMENT                             |
| AFFECTED INDIAN TRIBE |                                   | OTHERS                                      | <u>N. S. Union</u>                            | LOCAL GOVERNMENT                             |



**FOREST PRACTICES  
APPLICATION / NOTIFICATION**

FPA NUMBER:

RMS Payment ID:

5266

**I. GENERAL INFORMATION SECTION**

REFER TO THE INSTRUCTIONS TO ASSIST IN THE COMPLETION OF THIS FORM - FILL OR PRINT IN PERMANENT INK

|  |  |  |
|--|--|--|
| 1 FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF OPERATOR<br><u>Brian Ragganbach</u>                | 2 FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF LANDOWNER<br><u>WEST LUMBER CO</u><br><u>ANDERSON CO</u> | 3 FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF TIMBER OWNER<br><u>See</u>                       |
| BUSINESS ADDRESS<br><u>PO Box 1438</u>   | BUSINESS ADDRESS<br><u>SDX 1223</u><br><u>VASHCO. WA 98070</u>   | BUSINESS ADDRESS<br><u>See</u>   |
| CITY STATE ZIP<br><u>Vashco WA 98070</u>   | CITY STATE ZIP<br><u>Vashco WA 98070</u>   | CITY STATE ZIP<br><u>See</u>   |
| PHONE (206) <u>567-5555</u>  | PHONE (206) <u>567-5340</u>  | PHONE ( ) ( ) ( )  |
| Unified Business Identifier for SSN # JBI ( )<br><u>undisclosed for privacy</u>                        | Unified Business Identifier for SSN # JBI ( )<br><u>undisclosed for privacy</u>                              | Unified Business Identifier for SSN # JBI ( )<br><u>undisclosed for privacy</u>                      |
| 4 TYPE OF LEGAL ENTITY<br>CORPORATION<br>PARTNERSHIP<br><input checked="" type="checkbox"/> SOLE OWNER | TYPE OF LEGAL ENTITY<br>CORPORATION<br>PARTNERSHIP<br><input checked="" type="checkbox"/> SOLE OWNER         | TYPE OF LEGAL ENTITY<br>CORPORATION<br>PARTNERSHIP<br><input checked="" type="checkbox"/> SOLE OWNER |

FOR TAX INFORMATION CALL 1-800-548-8829

6. ☐ YES ☒ NO - IS THE OPERATION WITHIN CITY LIMITS?  
NAME OF CITY(S): \_\_\_\_\_

7. ☐ YES ☒ NO - IS THE OPERATION WITHIN A PUBLIC PARK? If yes, an Environmental Checklist is required.  
☐ YES ☒ NO - IS THE OPERATION WITHIN 500 FEET OF A PUBLIC PARK?  
NAME OF PARK: \_\_\_\_\_

5 FOREST TAX REPORTING ACCOUNT No

Timber owner under dual  
will notify

RECEIVED

MAY 2 1994

DNR-SPS

3 LEGAL SUB-DIVISION OF OPERATION(S) (INCLUDE PARCEL OR TAX LOT NUMBER)

| SUB-DIVISION (1/4, 1/4)           | SECTION  | TWP       | RANGE (E/W) | PARCEL OR TAX LOT NUMBER(S) |
|-----------------------------------|----------|-----------|-------------|-----------------------------|
| <u>The NE 1/4 of the S.W. 1/4</u> | <u>7</u> | <u>23</u> | <u>3 E</u>  | <u>(16)</u>                 |
|                                   |          |           |             |                             |
|                                   |          |           |             |                             |
|                                   |          |           |             |                             |
|                                   |          |           |             |                             |

9. ☐ YES ☒ NO - WAS THE LAND PLATTED AFTER JANUARY 1, 1960 (INCLUDING SHORT PLATS)?  
You May Contact County Assessor for Verification. If Yes, Environmental Checklist Is Required

10. ☐ YES ☒ NO - LANDOWNER INTENDS TO CLEAR, IMPROVE OR DEVELOP LAND WITHIN THREE YEARS?  
NOTE: 1. If yes, attach a completed Environmental Checklist.  
2. A local government clearing and/or grading permit may be required.  
3. See the instructions for more information relating to conversions.

11. ☐ YES ☒ NO - DO YOU HAVE AN APPROVED CONVERSION OPTION HARVEST PLAN (COOP)?  
If yes, include a copy of the approved plan. NOTE: Not all Local Governments accept COOP.

(For FPA Fee Information see the Instructions)

MAY 31 1994  
DNR-SPS

## II. WATER SECTION

You must answer all questions in this Section

All work within Type 1-3 Waters will require a Hydraulics Project Approval (HPA). Work within Type 4-5 Waters may require HPA. Completion of this section will serve as your request for an HPA from the Department of Fisheries or Wildlife. If operating within 200 feet of a Type 1 or 1 - Water, contact the local government for shoreline management information.

### 12. LIST ANY ACTIVITIES THAT WILL BE WITHIN OR OVER THE ORDINARY HIGH WATER MARK OF ANY WATER

Check (✓) the activities you will be doing in each type of water. The location of all culverts and bridges must be on the base map. Culvert Base Map information must include culvert length, diameter, and type (round or half pipe). Location information must show whether the bridge is temporary or permanent.

| Water Type | (A) Road Constr. | (B) Water Crossing | (C) Felling / Bucking | (D) Yarding / Cable | (E) Suspend Cables | (F) Yarding / Ground | (G) Operate Equipment | (H) Apply Chemicals | (I) Other Activity (Show under question 29) |
|------------|------------------|--------------------|-----------------------|---------------------|--------------------|----------------------|-----------------------|---------------------|---|
| 1          |                  |                    |                       |                     |                    |                      |                       |                     |   |
| 2          |                  |                    |                       |                     |                    |                      |                       |                     |   |
| 3          |                  |                    |                       |                     |                    |                      |                       |                     |   |
| 4          |                  |                    |                       |                     |                    |                      |                       |                     |   |
| 5          |                  |                    |                       |                     |                    |                      |                       |                     |   |

13. ( ) YES ☒ NO - WILL THERE BE ANY ACTIVITIES WITHIN 200 FEET OF A TYPE 1-3 WATERS?  
 \_\_\_\_\_ FEET If Yes, how close?

14. ( ) YES ☒ NO - WILL THERE BE ANY ACTIVITIES WITHIN 25 FEET OF TYPE 4-5 WATERS?

15. ☒ YES ( ) NO - ARE YOU AWARE OF ANY WATER INTAKES IN YOUR UNIT OR WITHIN 1/2 MILE DOWNSTREAM OF THIS OPERATION?

*Intake shown on forest practices map*

## III. WETLAND SECTION

You must answer all questions in this section.

16. ☒ YES ( ) NO - DO WETLANDS EXIST WITHIN OR ADJACENT TO YOUR FOREST PRACTICE?

If YES, check (✓) the appropriate squares in the following table describing your work within a Wetland or Wetland Management Zone, and show the location and classification of all Forested Wetlands over 5 acres in size, and all C and B Wetlands on the Activity Map. For wetland typing information, see WAC 222-16-035.1)

*see attached map with 1" = 100' scale*

| Wetland Type | (A) Road Constr. | (B) Water Crossing | (C) Yarding / Ground | (D) Operate Equipment | (E) Apply Chemicals | (F) Other (Show under question 29) |
|--------------|------------------|--------------------|----------------------|-----------------------|---------------------|------------------------------------|
| 1            |                  |                    |                      |                       |                     |                                    |
| 2            |                  |                    |                      |                       |                     |                                    |
| Forested     |                  |                    |                      |                       |                     |                                    |

17. ( ) YES ☒ NO - WILL YOUR PROJECT BE FILLING OR DRAINING A WETLAND?

( \_\_\_\_\_ ACRES) If Yes, how many acres will you be filling or draining?

A mitigation plan and a SEPA checklist must accompany this application if you are filling or draining more than 1/2 acre of any wetland.



## IV. ROAD CONSTRUCTION SECTION

[ ] No Road Construction or Reconstruction (If you will not be doing any work involving roads go to Section V.)

3 ROAD CONSTRUCTION (Complete all blocks that apply and LABEL EACH TYPE SEPARATELY ON MAP.)

| TYPE OF CONSTRUCTION  | TOTAL LENGTH<br>IN FEET | LENGTH OF ENDHAUL<br>CONSTRUCTION<br>(in linear feet) | STEEPEST SIDE<br>SLOPE ROAD<br>CROSSES<br>(in percent) |
|---|-------------------------|---|--|
| NEW PERMANENT ROAD  |                         |   |  |
| <input checked="" type="checkbox"/> NEW TEMPORARY ROAD        | 1,000' - 700'           |   | 55   |
| EXISTING ROAD RECONSTRUCTION                                  |                         |   |  |
| <input checked="" type="checkbox"/> EXISTING ROAD MAINTENANCE | 400                     |   | 50   |
| ROAD ABANDONMENT  |                         |   |  |

## V. TIMBER HARVEST SECTION

[ ] No Timber Harvest Under This Application. (If you will not be harvesting timber, go to Section VI.)

19 TIMBER HARVEST INFORMATION

Only 1 unit  
 + 2 species  
 with different  
 values to  
 be removed

| UNIT | TYPE OF HARVEST<br>(Even-aged<br>Uneven-aged<br>Salvage and/or<br>Ridge or Wave)<br><br>Show the location of each<br>harvest type on Map | POST<br>HARVEST<br>TREES<br>PER ACRE<br><br>FOR<br>UNEVEN-<br>AGED<br>HARVEST | METHOD OF<br>HARVEST<br><br>(see #19 in the<br>instructions<br>for choices) | ACRES<br><br>(per<br>type of<br>harvest) | PERCENT OF<br>VOLUME TO<br>BE CUT | ESTIMATED<br>VOLUME TO BE<br>HARVESTED<br><br>(in MBF) |
|------|--|---|---|--|-----------------------------------|--|
| 1    | Even-aged  |   | Ground Cable  | 15                                       | 100% Eign                         | 55   |
| same | selective  |   | Ground cable  | "  | 40% Alder                         | 105  |
|      |  |   |   |  |                                   |  |
|      |  |   |   |  |                                   |  |
|      |  |   |   |  |                                   |  |

\* For even-aged harvests, provide surrounding stand information on the map as required under WAC 222-30-025. See instructions

20. ☒ YES [ ] NO - WILL YOU BE HARVESTING TIMBER OR LEAVING TREES WITHIN TWO TREE LENGTHS OF OVERHEAD POWER LINES? (If yes, the applicant needs to notify the appropriate Power Comco)

21. [REDACTED] INDICATE HOW THE FOLLOWING WILDLIFE TREES WILL BE LEFT. (Check all that apply)

### WILDLIFE RESERVE TREES

☒ CLUMPED (Show on Map)  
☐ EVENLY DISTRIBUTED (Throughout Unit)

### GREEN! RECRUITMENT TREES

☒ CLUMPED (Show on Map)  
☐ EVENLY DISTRIBUTED (Throughout Unit)

22. [ ] YES ☒ NO - WILL YOU BE REMOVING TREES WITHIN THE MAXIMUM WIDTH RIPARIAN MANAGEMENT Z THAT ARE PROVIDING CANOPY COVER TO THE STREAM? IF YES GIVE THE MIDPOINT ELEV AND EXISTING CANOPY COVER OF ALL STREAM REACH(S) AND LABEL THE STREAM REACH(S) ON THE MAP

STREAM REACH #1 \_\_\_\_\_ ELEV, \_\_\_\_\_ % COVER    STREAM REACH #2 \_\_\_\_\_ ELEV \_\_\_\_\_ % COVER  
 STREAM REACH #3 \_\_\_\_\_ ELEV, \_\_\_\_\_ % COVER    STREAM REACH #4 \_\_\_\_\_ ELEV, \_\_\_\_\_ % COVER

23. [ ] YES ☒ NO - WILL YOU BE LEAVING A DOUBLE WIDE RMZ(S) FOR GREEN-UP? INDICATE DOUBLE WIDE RMZ LOCATION(S) ON MAP

24. REFORESTATION METHOD    Reforestation is required for lands harvested after January 1, 1975 as shown on WAC 222-34-010 (West of Cascades Summit), or WAC 222-34-020 (East of Cascades Summit)

☒ PLANTING (Species: Douglas fir, western hemlock, and other suitable conifers on wet sites)  
☐ NATURAL (Applicant must submit a Reforestation Plan - See Instructions)

## VI. SERIAL CHEMICAL APPLICATION SECTION

**This Forest Practice Does Not Involve The Application Of Any Pesticides Or Fertilizer** If no go to Section VII

## 25 TYPE OF CHEMICAL APPLICATION

**FERTILIZER APPLICATION** For fertilizer applications answer question 28

PESTICIDE TREATMENT - NET ACRES / \_\_\_\_\_ - For pesticide applications answer questions 26, 27 and 28. Please describe the type of pesticide treatment(s) you are proposing in the "General Description Section".

26. LIST THE EPA REGISTRATION NUMBERS, TRADE NAMES, AND RATES OF APPLICATION FOR ALL CHEMICALS PROPOSED, INCLUDING ALL ADJUVANTS

| EPA REG No | Trade Name or Chemical | Application<br>Rate per acre | Unit of Measure |
|------------|------------------------|------------------------------|-----------------|
|            |                        |                              |                 |
|            |                        |                              |                 |
|            |                        |                              |                 |
|            |                        |                              |                 |
|            |                        |                              |                 |

27. ☐ YES ☐ NO - WILL THIS PESTICIDE BE USED UNDER A DEPARTMENT OF AGRICULTURE EXPERIMENTAL PERMIT? If yes, include a copy of the Experimental Use Permit

28. CHEMICAL INFORMATION CONTACT PERSON \_\_\_\_\_ PHONE # ( ) \_\_\_\_\_

## VII. GENERAL DESCRIPTION SECTION




**29. Provide any details that will give a better understanding of your project.**

Even aged Harvest, if Fitchton on approximately 15 out of 17 acres.  
Wild fe reserve/green recruitment trees to be left along county road  
From 100 to 250 buffer left around water intake. Temporary spur  
roads to be water barred & cross seeded at end of job.  
In addition operator will leave maple & madrone uncut  
and undamaged wherever possible. Selective cut of  
the Ashlar. Wetland leave area will be  
determined by I.D. per Wayne Gloger.

Compliance with this application/ notification does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.

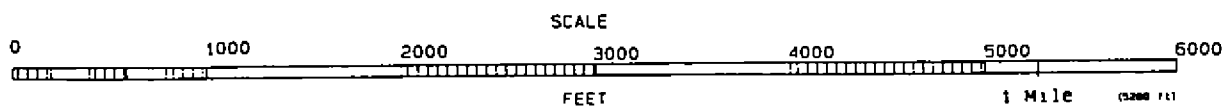
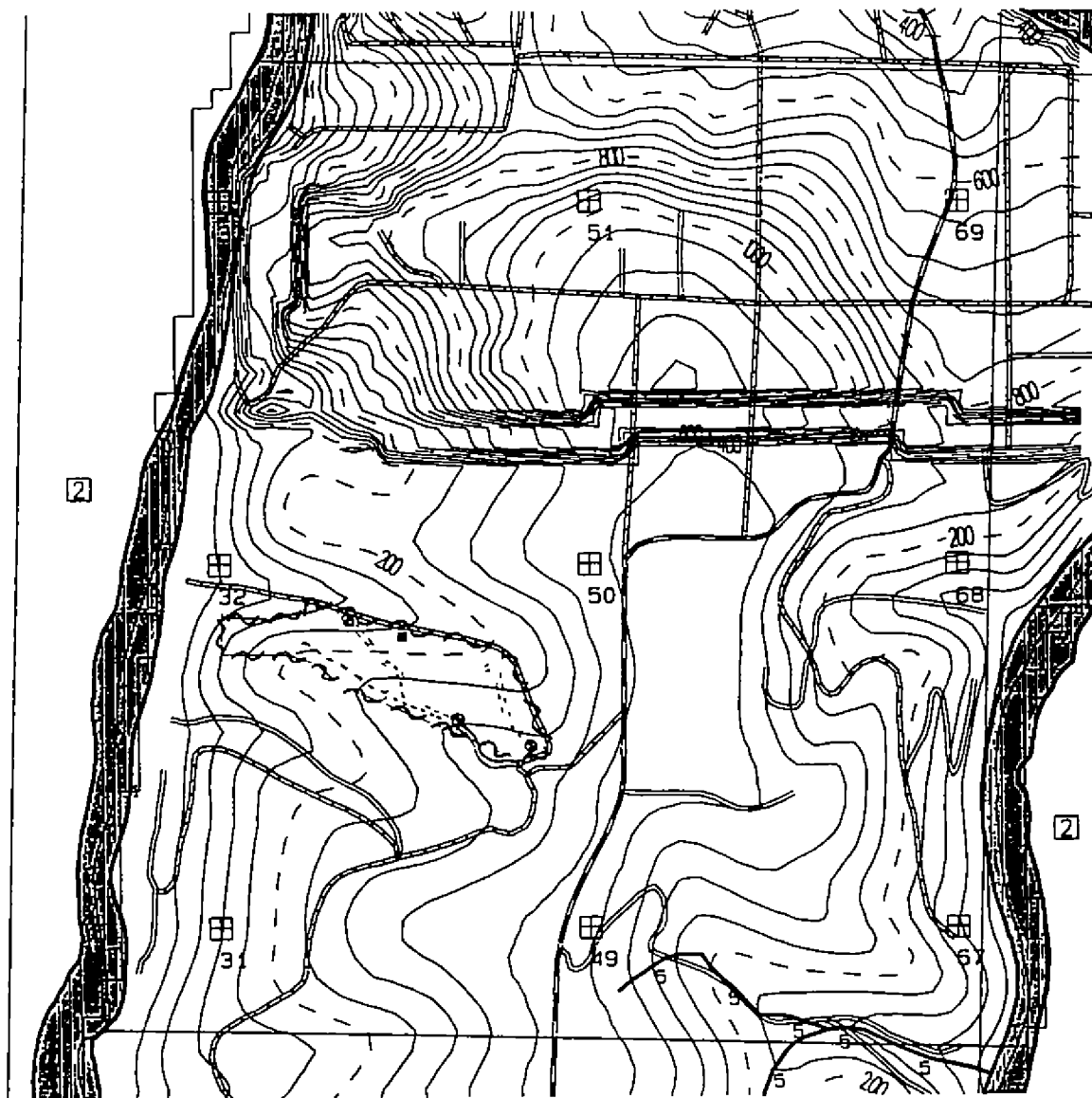
## SIGNATURE BLOCKS

We affirm that the information contained herein is true, and understand that this proposed Forest Practice is subject to current rules and regulations of the forest practices act, as well as any applicable Federal, State or Local rules and regular

| OPERATOR  | LANDOWNER   | TIMBER OWNER   |
|---|---|--|
| Signature  | Signature <br>Robert W. Clark | Signature <br>Robert W. Clark |
| Print<br>Brian R. Rosenbuck   | Print<br>Robert W. Clark  | Print<br>Robert W. Clark   |

# FOREST PRACTICE BASE MAP

TOWNSHIP 23 NORTH, RANGE 03 EAST (W M ), SECTION 07  
APPLICATION / \_\_\_\_\_



MAP DATE: January 14, 1994

CONTOUR INTERVAL 40 Feet

NAD 27

LEGEND See Instructions

DISCLAIMER See Legend

● Land Use

■ Forested Area

-- natural temporary

--- road or other spur

| SEC | TWP | RGE  | CONTROL NO | TP NAME         | DESCRIPTION                  | LOC/CODE     |
|-----|-----|------|------------|-----------------|------------------------------|--------------|
|     |     |      | LOCATION   |                 | WATER SOURCE                 | TRIBUTARY TO |
| 07  | 23  | 030E | 93-014502  | *FED E/T ANIMAL | SE1/4 SW1/4 DF416 0892 72244 |              |
| 07  | 23  | 030E | 94-0685001 | (000) 567-4811  | NENW ROBERT HOLLISTER        | 17           |
| 07  | 23  | 030E | 94-0685002 | (000) 567-4811  | NENW ROBERT HOLLISTER        | 17           |
| 07  | 23  | 030E | 94-2863501 | (000) 624-5454  | NESW PHIL KALLSEN            | 17           |
| 07  | 23  | 030E | 94-8665001 | (206) 328-1043  | SENW CARL LEEDE              | 17           |

VASHON ONLY  
 NANCY SILVER  
 22916 - 107TH AVE SW  
 VASHON, WA 98070  
 INTEREST  
 PUYALLUP TRIBE  
 JUDITH HINDERER  
 PO BOX 1254  
 VASHON, WA 98070  
 INTEREST  
 SUSIE KAULHORN  
 PO BOX 129  
 BURTON WA 98013

| SEC | TWP | RGE  | CONTROL NO  | TP NAME    | DESCRIPTION               | LOC/CODE       |
|-----|-----|------|-------------|------------|---------------------------|----------------|
|     |     |      |             |            | WATER SOURCE              | TRIBUTARY TO:  |
| 07  | 23  | 030E | G1-*0165101 | G1*01651C  | DM                        | 17             |
|     |     |      | N2 GL-4     |            | WELL                      |                |
| 07  | 23  | 030E | S1-*0231701 | S1*02317C  | DS IR                     | 17             |
|     |     |      | NE4SW4      |            | UNN STR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*0284801 | S1*02848C  | DS                        | 17             |
|     |     |      | GL3         |            | UNN SPR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*0412801 | S1*04128C  | DS IR                     | 17             |
|     |     |      | L-3         |            | UNN STR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*0450001 | S1*04500C  | DM                        | 17             |
|     |     |      | LT-2        |            | UNN SPRS                  | PUGET SOUND    |
| 07  | 23  | 030E | S1-*1007001 | S1*10070C  | DM                        | 17             |
|     |     |      | GL3         |            | UNN SPR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*1241001 | S1*12410C  | DS                        | 17             |
|     |     |      | GL-1        |            | UNN SPR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*1245501 | S1*12455C  | DM                        | 17             |
|     |     |      | GL1         |            | UNN SPR                   | PUGET SOUND    |
| 07  | 23  | 030E | S1-*1509701 | S1*15097C  | DS                        | 17             |
|     |     |      | GL5         |            | UNN SPR                   |                |
| 07  | 23  | 030E | S1--2224501 | S1-22245C  | DM                        | 17             |
|     |     |      | GL 4        |            | UNN SPR                   | COLVOS PASSAGE |
| 07  | 23  | 030E | 05-P60133   | N.E.VASHON | COUNTY PARK - KING COUNTY | 17             |

**CONDITIONS FOR FOREST PRACTICE APPLICATION 09-22357**

1. In accordance with the agreement reached between the landowner and the Department of Fish and Wildlife: west of the west draw and skid road, leave all conifers greater than 18 inches DBH except those that are directly in conflict with skid road or landing construction.
2. Construction of the west skid road and logging off this skid road is restricted to between July 1 and September 15 of any year. Construction of the west skid road and logging associated with this skid road shall occur before logging the rest of the harvest area.
3. West landing:
  - a. Construct landing so water is diverted through the brush before water run off can reach the county road.
  - b. Place wheat straw bails down slope of the landing along the county road in the ditch line area-- there is no ditch along the road.
  - c. In order to minimize accumulation of slash on the landing, limb logs where they are fell.
  - d. At the end of logging, ensure the landing does not dam the draw.
4. West skid trail
  - a. Minimize the width of the skid road and the amount of waste material that is side cast into the draw. All waste material must be broad casted so that a berm or other mounds of soil are not built up along the outside of the skid road.
5. At the end of skidding on the west skid road, but not later than September 15th of any year, the operator shall meet with DNR to determine:
  - a. where water bars are to be constructed on the west skid trails.
  - b. the final grade of the landing.
  - c. which areas of the landing and skid road need to be grass seeded and/or mulched--mulch is to be wheat straw or other material approved by DNR and shall be a minimum of 3 inches deep.
6. Ground yarding equipment is to be track equipment.
7. Ensure that during yarding, that the front end of the logs are suspended to avoid plowing the ground.
8. All winterizing work--water barring, grass seeding, and mulching--is to be completed on all skid roads not later than September 30th of any year unless written permission is given by DNR to perform work later than September 30th.

9. REFORESTATION: Reforestation is to occur during the first winter after harvest. Skid roads are to be planted. Skid roads may be planted with Douglas-fir, willow, alder seedlings.

*C. W. Gloger*

C. W. GLOGER

JULY 1, 1994



( W )

Department of Natural Resources  
OLYMPIA, WASHINGTON  
98504

RECEIVED  
JUN 8 1994  
JNR - JMS

## ENVIRONMENTAL CHECKLIST

### Purpose of Checklist

The State Environmental Policy Act (SEPA), chapter 43 21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### Instructions for Applicants

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of checklist for nonproject proposals

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

### A. BACKGROUND

1. Name of proposed project, if applicable:

Rezenbach logging job

2. Name of applicant:

Biberyia (land owner) Brian Rezenbach (logging contractor)

3. Address and phone number of applicant and contact person:

Brian Rezenbach 567-5555

4. Date checklist prepared:

6/6/94

5. Agency requesting checklist:

DNR

6. Proposed timing or schedule (including phasing, if applicable):

Start job Summer of 94

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

NO



TO BE COMPLETED BY APPLICANT

154733  
EVALUATION FOR  
AGENCY USE ONLY  
DATE  
BY

c What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland

clay, sand & gravel

d Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe

Do not know

e Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

spur rebuilding

f Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

possibly

g About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

NONE

h Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

water bars, grass seeding of spur rds.

2 Air

a What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Heavy equipment emissions for approx. 30 days.  
not known.

quantities

b Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe

no

c Proposed measures to reduce or control emissions or other impacts to air, if any.

none

c. Water Runoff (including storm water)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known) Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply

2) Could waste materials enter ground or surface waters? If so, generally describe

Does not apply

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any

water bar skid or spur roads. & grass seed.

4. Plants

a. Check or circle types of vegetation found on the site

— deciduous tree alders, maple, aspen, other

— evergreen tree fir, cedar, pine, other

— shrubs

☒ grass

— pasture

— crop or grain

— wet soil plants cattail, buttercup, bullrush, skunk cabbage, other

— water plants water lily, eelgrass, milfoil, other

— other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The Fir & Alder

c. List threatened or endangered species known to be on or near the site.

Bald eagle nest within  $\frac{1}{2}$  mile of site

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any

none

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site.

birds hawk, heron, eagle, songbirds, other

mammals deer, bear, elk, beaver, other

fish bass, salmon, trout, herring, shellfish, other:

Bald eagle within  $\frac{1}{2}$  mile

b. List any threatened or endangered species known to be on or near the site.

Bald eagle nest within  $\frac{1}{2}$  mile of site.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

1) Proposed measures to reduce or control noise impacts, if any *work to begin "each day no earlier than 7 AM"*

2) Land and Shoreline Use

a) What is the current use of the site and adjacent properties?  
*Growing trees & also as a residential house site.*

b) Has the site been used for agriculture? If so, describe *no*

c) Describe any structures on the site *House*

d) Will any structures be demolished? If so, what? *no*

e) What is the current zoning classification of the site? *Residential*

f) What is the current comprehensive plan designation of the site?  
*Do not know*

g) If applicable, what is the current shoreline master program designation of the site?  
*Do not know*

h) Has any part of the site been classified as an "environmentally sensitive" area? If so, specify *under King County rules the wetland would be considered a sensitive area*

i) Approximately how many people would reside or work in the completed project?  
*Does not apply*

j) Approximately how many people would the completed project displace?  
*Does not apply*

k) Proposed measures to avoid or reduce displacement impacts, if any.  
*Does not apply*

l) Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.  
*Does not apply*

c. Proposed measures to reduce or control impacts on recreation including recreation opportunities to be provided by the project or applicant, if any

### 13 Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. *NO*

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. *NONE*

c. Proposed measures to reduce or control impacts, if any: *NONE*

### 14 Transportation *Does not apply*

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private)

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur



King County  
Department of Development  
and Environmental Services  
3600 - 136th Place Southeast  
Bellevue Washington 98006-1400

307

November 16, 1994

Cheryl A. Nielson  
Assistant Attorney General  
Post Office Box 40100  
Olympia, WA 98504-0100

Art Tasker  
Resource Protection District Manager  
Washington Department of Natural Resources  
Post Office Box 68  
Enumclaw, WA 98022-0068

RE: FP-09-22357-0068, Robert Cryan

Dear Ms. Nielson & Mr. Tasker:

Thank you for meeting with us on November 9, 1994 to discuss the Robert Cryan FPA. Pursuant to your deferral of jurisdiction to King County, We will assume code enforcement authority for the restoration of impacted sensitive areas on the subject property as provided by RCW 76.09.240.

If you have questions or concerns regarding this matter, please contact me at 296-6778.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Sandin".

Randy Sandin, Supervising Engineer  
Site Development Services Section

RS:JB:lw/22357

cc: Susan Alexander, King County Deputy Prosecuting Attorney  
Jim Ballweber, Forester, Site Development Services Section





WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

Jeanette M. Belcher—Commissioner of Public Lands  
Kathleen Cottingham—Supervisor

# Forest Practices Stop Work Order

|  |  |   |   |
|--|--|---|---|
| 1 FP App No<br><b>09-22357</b>                               | 2 Region<br><b>SPS</b>                                       | 4 Class of Forest Practice<br><input type="checkbox"/> Class II<br><input checked="" type="checkbox"/> Class III<br><input type="checkbox"/> Class III P<br><input checked="" type="checkbox"/> Class IV General<br><input type="checkbox"/> Class IV Special | 5 Legal Subdivision<br><b>NE S4</b>                   |
|  | 3 County<br><b>King</b>                                      |   | Section <b>7</b> Township <b>23</b> Rge <b>E/W 36</b> |
| 6 Operator Name<br><b>Brian Roggenbuck</b>                   | 7 Landowner Name<br><b>Robert Cryan</b>                      | 8 Timber Owner Name   |   |
| Address<br><b>PO Box 1438</b>                                | Address<br><b>PO Box 1203</b>                                | Address<br><b>Landowner</b>   |   |
| City<br><b>Nashon</b> State<br><b>WA</b> Zip<br><b>98070</b> | City<br><b>Nashon</b> State<br><b>WA</b> Zip<br><b>98070</b> | City State Zip  |   |

Under Authority of Ch 76 09 RCW, Title 222 WAC—You are hereby ordered to: STOP ALL WORK connected with violation(s), or deviation(s), damage(s), or potential damage(s) described below.

|   |                       |
|---|-----------------------|
| 9 Reasons for Order<br><input type="checkbox"/> Deviation from approved application<br><input checked="" type="checkbox"/> Violation of Forest Practices Act and/or Rules<br><input type="checkbox"/> Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource | 10 Damage Amount \$   |
|   | 11 Damage Assessed by |

12 Description of violation(s), deviation(s), damage(s), or potential damage(s) described below (by activity and/or location)

Landowner stated on application that Land was not platted after JAN, 1980. King County has notified D.N.R. that Land was platted November 18, 1976 (Short Plat # 676032). [See King County's letter dated Sep 2, 1994 to DNR, reference FPA # 09-22357 & Robert Cryan / Brian Roggenbuck]

|   |   |
|---|---|
| 13 Violation of WAC(s)<br><b>222-20-010(2)</b>                            | 14 Violation Observed<br><b>9/2/94</b> at <b>3:30</b><br>Mo Dy Yr am/pm |
| 15 Steps described in #16 must be completed by <b>immediately</b><br>Date |   |

16 The following steps MUST be taken BEFORE work may be resumed:

- ① DO NOT cut any standing timber until the landowner has an approved CLASS IV—General Forest Practice application.
- ② D.N.R. will issue supplement directions that require mitigation measures.

17 The operator, timber owner or forest landowner may appeal this Stop Work Order to the Forest Practices Appeals Board. Any such appeal must be filed within fifteen (15) calendar days of **Sep 2, 1994**

1 DECLARATION OF MAILING

2 I declare under penalty of perjury under  
3 the laws of the state of Washington that  
4 I mailed or caused delivery of a true  
5 copy of this document to all parties.

6 DATED this 13th day of December 1994,

7 at Olympia, WA.

8 Signed:

Nancy Heley

RECEIVED  
DEC 13 1994  
ENVIRONMENTAL  
HEARINGS OFFICE

9 BEFORE THE FOREST PRACTICES APPEALS BOARD

10 STATE OF WASHINGTON

11 ROBERT W. CRYAN )

12 Appellant, )

FPAB NO. 94-28

13 v. )

14 STATE OF WASHINGTON,  
15 DEPARTMENT OF NATURAL  
16 RESOURCES, )

DECLARATION OF  
CHERYL A. NIELSON

17 Respondent. )

18 I, Cheryl A. Nielson, declare under penalty of perjury under  
19 the laws of the state of Washington that the following is true and  
20 correct:

21 1. I am an assistant attorney general for the state of  
22 Washington. I represent the Department of Natural Resources'  
23 forest practices program.

24 2. I am the assistant attorney general serving as counsel  
25 to the Department in the above-captioned case.

26 3. On Wednesday, November 16, 1994, King County Deputy  
Prosecutor Susan Alexander notified me by telephone that King  
County will use its own code authority to to pursue any mitigation

1 that may be required of Mr. Robert Cryan for the harvest permitted  
2 by FP-09-22357. Ms. Alexander further stated that King County  
3 would have no objection to dismissal of the above-captioned case.

4 4. King County has sent a letter to the Department  
5 confirming that it intends to use its own code authority to work  
6 with Mr. Cryan on issues relating to the harvest permitted by FP-  
7 09-22357. (King County letter attached to this Declaration)

8 DATED this 13<sup>th</sup> day of December, 1994 at Olympia,  
9 Washington.

10  
11 *Cheryl A. Nielson*  
12 CHERYL A. NIELSON  
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